

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1875.02
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	February 14, 2002
DATE OF REPORT:	March 20, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 29, 2002

COMPLAINT ISSUES:

Whether the Zionsville Community Schools and West Central Joint Services violated:

- 511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to complete the alternate assessment for the student and providing the parent with an assessment report.

During the course of the investigation, another issue was identified as whether the Indiana Department of Education violated:

- 34 CFR § 300.139 by failing to provide an individual report on the student as was provided for other students who participated in an alternate assessment.

On March 15, 2002, the associate superintendent extended the deadline for this report to March 25, 2002.

FINDINGS OF FACT:

1. The Student is thirteen years old and attends a local middle school (the "School"). The Student is eligible for special education and related services as a student with autism.
2. The Student's IEP, dated March 21, 2001, indicates that the Student will not participate in local and statewide testing. The IEP states that the Student will participate in an alternate assessment. The alternate assessment specified is the IASEP, which is a computer program that provides an assessment of student achievement through ratings of essential skills and academic standards.
3. The IEP does not specify in what format the school will report the results of the IASEP. The school provided the parent with several documents and a computer disk containing current assessment data for the student, including proficiencies, in the domains and subdomains.
4. IASEP reports, containing both statewide participation data and individual student performance data, have been developed. The state department of education (DOE) disseminates these reports in the same frequency and detail as the ISTEP+ reports. Teachers using IASEP were advised in a memo from the IASEP project director at the beginning of the 2001-2002 school year that they must download their students' data by October of the current school year (for IASEP students in the ISTEP+ grades 3, 6, 8, and 10), and that the disk must be forwarded to the IASEP project for data

entry and analysis. The DOE compiles this information and develops and disseminates the reports at approximately the same time that statewide ISTEP+ data and reports are released.

5. The Student is in 6th grade, which is one of the grades in which the ISTEP+ is administered and a student report generated. Sixth grade students participating in IASEP should have also had a state-generated student report. The School was to collect current IASEP data, download the data to a disk, and provide the data to the DOE in order to have an individual student report developed that would be sent to the Student's parents and teacher. The School, although generating its own updated reports on the Student's progress in IASEP, did not fulfill this requirement for this Student or any other student in the school corporation who participated in IASEP. Further, none of the other school corporations within the special education planning district submitted the requisite IASEP data to the DOE. As a result of the School's failure to provide the data on any of its students participating in IASEP, the DOE was unable to generate an individual student IASEP report for the Student.

CONCLUSIONS:

1. Findings of Fact #2, #3, and #5 indicate that the School assessed the Student utilizing the IASEP in accordance with the IEP and provided information on the assessment results to the parent. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Findings of Fact #4 and #5 reflect that the state-generated report on individual students participating in the IASEP is dependent upon the School providing the requisite data to the DOE. Although the DOE provided individual student reports for those students for whom the data was submitted in compliance with 34 CFR §300.139, it was unable to generate or disseminate any individual student IASEP reports for any of the school corporations within the special education planning district because of their failure to submit the data.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

West Central Joint Services shall:

1. Submit to the Division the IASEP data from each of its member school corporations for each of the third, sixth, eighth, and tenth-grade students who participated in that assessment. The disks containing the IASEP data shall be submitted to the Division no later than April 12, 2002; and
2. Submit an assurance statement that all future IASEP data will be submitted to the DOE in a timely manner and as required by the DOE. The assurance statement shall be submitted no later than April 12, 2002.

DATE REPORT COMPLETED: March 20, 2002